

allowed in the Committee of the Whole is different than the number of votes allowed when the House sits?

The SPEAKER pro tempore. The gentleman is correct.

Mr. PRICE of Georgia. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. PRICE of Georgia. Isn't it further true, Mr. Speaker, that because of the rules, any re-vote in the House on an amendment that passed in the Committee of the Whole with full participation, the total votes cast would be different?

The SPEAKER pro tempore. That is correct.

Mr. PRICE of Georgia. I thank the Speaker.

The SPEAKER pro tempore. If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1830

MOTION TO RECOMMIT OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCKEON. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McKeon moves to recommit the bill (H.R. 1429) to the Committee on Education and Labor with instructions to report the bill back to the House forthwith with the following amendment:

Page 172, after line 8, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 22. OPERATIONAL RULE.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 654 the following:

"SEC. 654A. OPERATIONAL RULE.

"(a) RELIGIOUS ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—For any program carried out under this subchapter, the Federal Government shall consider, on the same basis as other nongovernmental organizations, religious organizations to provide the assistance under the program, so long as the program is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. The Federal Government shall not discriminate in the administration of this subchapter against an organization that provides assistance under, or applies to provide assistance under, this subchapter, on the basis that the organization has a religious character.

"(b) RELIGIOUS CHARACTER AND INDEPENDENCE.—

"(1) IN GENERAL.—A religious organization that provides assistance under a program described in subsection (a) shall retain its religious character and control over the definition, development, practice, and expression of its religious beliefs.

"(2) ADDITIONAL SAFEGUARDS.—The Federal Government shall not require a religious organization—

"(A) to alter its form of internal governance; or

"(B) to remove religious art, icons, scripture, or other symbols;

in order to be eligible to provide assistance under a program described in subsection (a).

"(3) EMPLOYMENT PRACTICES.—Section 654 shall not apply to a recipient of financial assistance under this subchapter that is a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities. Such recipients shall comply with the other requirements contained in section 654.

"(c) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided directly to a religious organization to provide assistance under any program described in subsection (a) shall be expended for sectarian worship, instruction, or proselytization.

"(d) FISCAL ACCOUNTABILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization providing assistance under any program described in subsection (a) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

"(2) LIMITED AUDIT.—Such organization shall segregate government funds provided under such program into a separate account. Only the government funds shall be subject to audit by the government."

Mr. MCKEON (during the reading).

Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes in support of his motion.

Mr. MCKEON. Mr. Speaker, because of a flaw in the Federal Head Start law, faith-based institutions have been forced to relinquish their civil liberties if they choose to participate in the Federal early childhood program we are poised to reauthorize today.

A sham of an amendment adopted earlier today applauded these organizations but did nothing to protect faith-based providers' civil rights. This motion to recommit does.

We have had this debate many times before here on the House floor, and each time we have had this debate, opponents of faith-based groups' federally protected right to maintain their religious nature and character through those they hire have equated these civil liberties as "discrimination."

The 1964 Civil Rights Act makes clear that faith-based groups may serve their communities without being forced to give up the right to employ individuals who share the tenets and practices of their faith. Mr. Speaker, were the authors of the Civil Rights Act pro-discrimination? No.

The United States Supreme Court in 1987 unanimously reaffirmed the hiring rights for faith-based organizations. Was the Supreme Court pro-discrimination? No.

Former President Clinton signed four laws explicitly allowing faith-based groups to staff on a religious basis when they receive Federal funds. Was he pro-discrimination? No.

The motion to recommit we are considering today is offered in the same spirit as the 1964 Civil Rights Act, the 1987 Supreme Court decision, and President Clinton's signature on those four bills.

I commend the gentleman from Puerto Rico (Mr. FORTUÑO) for offering this as an amendment before the Rules Committee yesterday.

Mr. Speaker, I now yield the balance of my time to Mr. FORTUÑO.

Mr. FORTUÑO. Mr. Speaker, thank you for allowing me to speak today on the motion to recommit H.R. 1429, the Improving Head Start Act of 2007. I must commend Chairmen MILLER and KILDEE and Ranking Members MCKEON and CASTLE for completing work on this important reauthorization.

This motion to recommit would ensure that, one, religious organizations that are participating in the Head Start program are allowed to take religion into account in their hiring practices; and, two, religious organizations that are participating in the Head Start program are not discriminated against on the basis of their religious character and are not required to alter their form of governance or remove religious art, icons, or scripture or other symbols if they decide to participate in the Federal Head Start program.

Faith-based organizations, such as churches, synagogues and other faith-based charities, are a central part of the fabric of communities across America. Many of these organizations provide assistance and services to the neediest members of society, offering a helping hand to the least fortunate among us. Faith-based organizations can make a vital contribution to Federal assistance programs and are critical to the survival of many communities and to the improvement of the lives of countless individuals.

When faith-based groups hire employees on a religious basis, they are exercising their civil rights and liberties. The Civil Rights Act made clear when faith-based groups hire employees on a religious basis, it is an exercise of the group's civil liberties and does not constitute "discrimination" under Federal law. Faith-based providers who are willing to help provide early childhood education and other critical social services should not be denied this opportunity.

Faith-based organizations cannot be expected to sustain their religious mission without the ability to employ individuals who share the tenets and practices of their faith because it is that faith that motivates them to serve their neighbors in trouble. Without the right to continue to hire on a religious basis, religious organizations, in order to avoid such dangers, are likely to simply withdraw from the